

For the Western District of W.V.

Federal Court Building

Charleston, West Virginia 25305

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3-16-09

FILED
MAR 27 2009TERESA L. REED, CLERK
U.S. District Court
Southern District of West Virginia
Case No.Claim of Civil Action Complaint
The Plaintiff does Wish To be Heard by APlaintiff.

#33405-013

Michael S. Garbey, US Prison, P.O. Box 12015, Terre Haute Indiana 47808

vs.

Civil Action No. 2:09-0313

Defendants

- 1) The United States of America
- 2) Congress, Washington DC
- 3) The US Department of Justice, 950 P.A. Ave. NW Washington DC
- 4) Federal Judge Irene M. Keeley, US Federal Court, Northern District of West VA. P.O. Box 2808 Clarksburg West VA. 26302-2808

(Claim of Suit)

For exceptance of responsability For Federal Judge Irene M. Keeley of the US Federal Courts For Clarksburg West VA. Steping outside He bounds of Judicial Capacity and "intentionaly" Making An unlawful Administrative order by rangFuly instructing A Court Functionary being US Marshells to seize MR. Garbays Person, To unlawFuly transport Him to A certain State Facility outside And beyond that particuler Jurisdiction or County And to intern instruct the employees of that State Facility to illegally And UNJUSTIFIABLY "Again" incarsorate And Process MR. Garbey ON the same Priority (4) other Times used Fugitive Charges From the State of Virginia, That Judge Keeley personally Herself Knew To be illegal 'Without' any Governors Rendition Warrent, That resulted in Harm To MR. Garbey. "After" He Had personally notified several Members of Congress, John D. Rockefeller, Shelly M. Capito, Nick J. Rahla And Malittan. Judge Keeley And the US Senate Robert C. Byrd of the (4) prior Arrests

(Chain of Events)

Where on about January 23, 2006, just after a Federal Jury Trial in the Courts of Clarksburg West VA., while personally "knowing" this Fugitive Proceedings had been priorly dismissed (4) other times and "knowing" that any other arrest on those same Fugitive Charges to be "illegal" without a Governors Rendition Warrent.

Where the issues of these Fugitive Proceedings had been priorly argued in open court before Judge Keeley by A.T.F. Young, US Prosecutor Godwin and MR. Garbey, giving Judge Keeley "Full" knowledge of the (4) prior dismissals, yet she still later "intentionally" gave an "unlawful" administrative order to the US Marshalls working the Courtrooms "After" MR. Garbey was found not guilty in her courtroom by a Jury on other Charges resulting from the (3rd) illegal arrest on those same Fugitive Charges from the State of Virginia.

Federal Judge Keeley made an Administrative order to a Court Functionary, to take MR. Garbey into custody (to seize his person), to transport him "out" of the County of Clarksburg (where they did at that time obtain their own local County Jail) back to Doddridge County West Virginia, where MR. Garbey had been illegally held (3) other times on those same Fugitive Proceedings and to incarcerate and again re-process him on those same illegal Proceedings.

Where MR. Garbey was held some (3) days "before" seeing any Magistrate or receiving anything in writing showing why he was being held.

Where then after filing a Pro-se Writ of Habeas Corpus, Doddridge County Circuit Court Judge Holland did dismiss the proceedings releasing MR. Garbey after about (30) days of illegal Jail confinement "without" bond in West VA. Case no. 06-P-2 Being the (5th) illegal arrest for those same Fugitive Charges.

Judge Keeley's Actions were "intentionally" unlawful for the issues of the Fugitive Charges Had been properly argued before Her in open Court, with the Court being instructed that both *Cronover vs. State* and West VA Code 5-1-7 through 5-1-13 Fugitive From Justice, "clearly" argues, that:

Once Fugitive Proceedings Have been properly dismissed and the defendant released, the proceedings can not be lawfully re-applied without the issuance of a properly executed Governor's Rendition Warrent.

Where both also cite that extradition is primarily controlled by Federal law, and has its origins under Federal Constitutional Provisions but Congress is Authorized to regulate interstate Extradition of Fugitives.

* Where if Judge Keeley Had chosen to herself illegally re-apply the Fugitive Charge and Held the Proceedings before Her, in Her Court. (Where Actually, once they were brought to Her Attention and the issues were raised in Her Court, she did hold all Authorities and Jurisdictions over the issues and Had to by law or given Mr. Gorbay an opportunity to be heard and an opportunity to File A Writ With Her Court.)

Where she then could Have done a number of illegal things that would Have fallen within Her bounds of Judicial Capabilities, or Her Absolute Discretionary Immunities.

However, she did not, and instead simply brushed Away the issues and Made An "illegal" and "unjustified" Administrative order (As A Sheriff instructs A Deputy) or A Cook instructs A Waiter To serve A dish) or (A Manager instructs A Stock person To Fill the shelves) and she Had the US Marshalls instigate an illegal Act in front of County and State Police whom "Had" themselves Priorly committed that same unlawful Act, setting A

bad example, For they, Those Police, did again re-Arrest Mr. Gorbey (2) other Times "After" Judge Keeley Had this done To Him being A ToThe of (7) illegal Arrests in All For those same Charges.

The Fugitive issues Were not docketed or lodged on the record before Judge Keeley, she refused To Hear them "After" Knowing them To be illegal. Therefore Her actions Could "not" be Within Her Judicial Capacity, and To order the US Marshalls To COMMIT An Act Could "only" be Administrative.

(Points And Arguments)

Constitution of the United States of America

(Article III)

Section 1. The Judicial powers of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from Time To Time "ordain and establish the Judges", both of the Supreme and inferior Courts, shall Hold their office "only" during good behaviour.

Cynthia A Forrester vs. Howard Lee White 484 U.S. 219, 98 L.Ed. 2d 555, 108 S.Ct 538 (1988)

Section 4. United States § 9 Congressional immunity

4. Absolute official immunity is created For Members of the United States Congress by the "speech and debate Clause" of the United States Constitution (Art 1 § 6, Cl 1) but the scope of the Protection does "not" extend Further than the Purpose of the Clause requires.

Therefore, Congress "can" be Held responsible For any Actions intentionally wrong or unlawful by their Judges, "Especially" any

intentional" Actions that are a "Farce and Mockery to Justice" that have resulted in harm to others.

McCray vs. State of Maryland 456 F.2d 1 (1972)

4. Judges

When Judges act in a non-judicial capacity he or she pro tanto loses absolute judicial immunity and "is" subject to liability as any other state official.

5. Civil Rights.

Those immunities from suit which have been read into Federal Civil Rights statutes derive from those existing at common law. 42 U.S.C.A. 1983.

Lynch vs. Johnson 420 F.2d 818 (6th Cir 1970)

Cf. Ex parte Virginia 100 U.S. 339, 25 L.Ed 676 (1879)

Cynthia A. Forrester vs. Howard Lee White 484 U.S. 219, 98 L.Ed. 2d 555, 108 S. Ct 538 (1988)

Actions § 1: damages - suits - purpose.

2. Suits for money damages "are" meant (1) to compensate victims of wrongful actions, and (2) to discourage conduct that may result in liability.

* Judges § 14, immunity - Functional Approach

8. In the attempt to draw the line between truly judicial acts for which immunity from suits for monetary damages is so appropriate, and acts that simply have happened to have been done by judges, immunity - as in other contexts - is justified and defined by the functions such immunity protects and serves, "not" by the person to whom immunity attaches. Although there is no precise and general definition of the class of acts which are entitled to judicial immunity, there is a simple intelligible distinction between judicial acts and the administrative, legislative or executive functions that

Judges May on occasion be assigned by law to perform.

Suits For Monetary damages Are meant To compensate the victims of wrongful Actions and to discourage conduct that May result in liability, to the extent that the threat of liability encourages these officials to carry out their duties in a lawful and appropriate manner. and to pay their victims when they do not. it Accomplishes exactly just what it should.

Where Judge Keeley ordered US Marshalls to perform an act that was "not" in regard to the duties of the Courts Judicial Process, and was "clearly" an Administrative order (As a Supervisor Administratively instructs a lesser ranked employee) while she "personally" knew the Actions she was ordering were illegal acts, "knowing" that "any" re-arrest on those same Fugitive charges were to be illegal "without" a Governors Rendition warrant.

Where in doing so, the Judge is "not" afforded "any" Absolute or Judicial immunities and she "is" liable for damages through Civil Actions. For their intentional, unlawful and also Administrative Acts.

In ex parte Virginia 100 U.S. 339, 25 L.Ed 676 (1880)

Therefore, by "all" of the reasons Above and any others that may apply, MR. Gorbey does use His Civil Rights to file A Civil Action Complaint of Suit Against the defendants named in this Complaint, Alledging that Judge Keeleys unlawful Actions Have Caused Harm To MR. Gorbey And she as well as the others named As defendants Are responsible And liable For Her wrongful Administrative Actions.

(Claim Amount sought For relief)

For exceptance of responsibility For Federal Judge Irene M. Keeley of The US Federal Courts of Clarksburg West Virginia Stepping Outside Her bounds of Judicial Capacity And rangfully intentionally Making An "unlawful" Administrative order by rangfully instructing A Court Functionary being US Marshalls to Seize MR. Gorbey's Person, To unlawfully Transport Him To A Certain "State" Facility outside And beyond that porticular Jurisdiction or County And To then intern instruct the employees of The State Facility To "Again" illegally And UNJUSTIFIABLY incarserate MR. Gorbey And To process Him on Fugitive Proceeding From The State of Virginia, That They "All" but Most importantly Judge Irene M. Keeley "personally" Knew Herself To be "illegal" Without ANY Governors Rendition Warrent, That resulted in Harm To MR. Gorbey. \$1,250,000⁰⁰ CASH.

1 Million 250 Thousand Dollars Cash.

And injunctive relief, For Judge Irene M. Keeley To be removed From the bench of the US Federal Courts, And "NOT" be permitted To "ever" Again Work For "Any" US Court, State Court or Attorneys Bar Within "Any" State of the United States of America ever "Again"

And all processing And Filing Fees For this Civil Action Complaint of Suit.

Reserves.

MR. Gorbey reserves All rights Aforded To Him in A Civil Action Complaint of Suit. (MSG)

Respectfully,

Michael A. Gorbey

33405-013

US Prison

P.O. Box 12015

Terre Haute, Indiana 47808

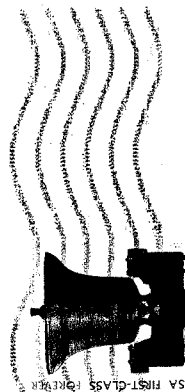
Name Michael S. Gachey
33405-013

Reg. No.

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- ☐ Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808
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